

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:06CR337CEJ(MLM)
	)	
GARY STEPHEN KAPLAN,	)	
	)	
Defendant.	)	

DEFENDANT GARY KAPLAN'S  
AGREED MOTION TO CONTINUE SENTENCING

TO THE HONORABLE CAROL E. JACKSON:

Defendant Gary Stephen Kaplan, by and through his attorney of record, Chris Flood, requests a continuance of his sentencing from October 27 to November 2, 2009, showing for cause as follows:

1. Chris Flood is also attorney of record for the Defendant in the case styled *United States vs. Warren Todd Hoeffner*, Cause No. 4:07-cr-263 in the United States District Court for the Southern District of Texas. The *Hoeffner* case went to trial on August 20, 2009, and ended in a mistrial on October 2. The Court has scheduled a pretrial conference in that case for October 16, 2009, in order to schedule a retrial. In the meantime, Counsel has been busy preparing a comprehensive Rule 29 Motion for Judgment of Acquittal, with references to the trial transcripts.

2. In the instant case, this Court has ordered Counsel to file a Sentencing Memorandum by October 16, 2009. Due to Counsel's participation in the Hoeffner trial

and preparing the Rule 29 motion, Counsel needs additional time to prepare the Sentencing Memorandum.

3. Counsel requests a six-day continuance of the sentencing, from October 27 to November 2, to prepare fully for sentencing.

4. Counsel has spoken with AUSA Steven Holtshouser, who is in agreement with this request for continuance.

WHEREFORE, Defendant respectfully requests that this Court continue Defendant's sentencing from October 27 until November 2, with the Sentencing Memorandum to be filed by October 23, 2009.

Respectfully submitted,

/s/ Chris Flood

FLOOD & FLOOD

914 Preston at Main, Suite 800

Houston, TX 77002

(713) 223-8877

(713) 223-8879 (Fax)

Federal I.D. No. 9929

*chris@floodandflood.com*

**Lead Attorney for Gary Kaplan**

**CERTIFICATE OF CONFERENCE**

I certify that I have conferred with opposing counsel, AUSA Steven Holtshouser, and he is unopposed to this motion.

/s/ Chris Flood

Chris Flood

**CERTIFICATE OF SERVICE**

I certify that on October 15, 2009, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all Steven Holtshouser, AUSA.

/s/ Chris Flood

Chris Flood